

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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**Feb 02 2021**

**S.C. SUPREME COURT**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2021-000037

Unpublished Opinion No. 2020-UP-263 (S.C. Ct. App. filed Sept. 9, 2020)

Phillip DeClemente, a/k/a Alec Rochford, ..... Petitioner,

v.

Assistive Technology Medical Equipment Services,  
LLC; Jeffrey Reed; Murrell G. Smith, ..... Respondents,

and

Phillip DeClemente, a/k/a Phillip Goodpaster, ..... Petitioner,

v.

Assistive Technology Medical Equipment Services, LLC  
(ATMES); Jeffrey Reed; Murrell G. Smith, ..... Respondents.

**SECOND MOTION FOR EXTENSION OF TIME TO  
FILE/SERVE PETITION FOR A WRIT OF CERTIORARI**

Petitioner, Phillip DeClemente, by and through undersigned counsel, pursuant to Rule 263(b), SCACR, S.C. Order No. 2014-07-16-01, *RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals*, and on the grounds stated below, moves this Court for a fifteen (15) day extension of time to file/serve a petition to this Court for issuance of a writ of certiorari to review the Court of Appeals' decision

in this matter. This is Petitioner's second request for an extension of this filing deadline. In support of this motion, Petitioner shows this Court the following:

1. The Court of Appeals denied rehearing by order filed December 21, 2020, making the deadline to file/serve a petition for writ of certiorari Wednesday, January 20, 2021, pursuant to Rule 242(c), SCACR.

2. On January 11, 2021, Petitioner filed his first Motion for Extension of Time to File/Serve Petition for a Writ of Certiorari with this Court. On January 14, 2021, this Court granted Petitioner's first motion, extending Petitioner's deadline to file and serve his Petition for Writ of Certiorari twenty (20) days and making the new deadline February 9, 2021.

3. An additional fifteen (15) day extension of the February 9, 2021 deadline is now needed to provide counsel with adequate time to prepare the petition due to extraordinary circumstances beyond Petitioner's control.

4. On December 27, 2020, counsel's former spouse and the mother of his two sons, Jennifer Marshall, was hospitalized as a result of a severe fall and resulting head injury. Though initially thought to be non-life threatening, Ms. Marshall's condition worsened into traumatic brain injury and she passed away on January 21, 2021. Throughout the past five weeks, counsel has spent considerable time grieving with family, speaking with healthcare providers, making funeral arrangements, and handling estate related matters.

5. Ms. Marshall's unexpected death has placed a tremendous burden on counsel's ability to prepare his client's petition, and constitutes extraordinary circumstances beyond his control.

6. Petitioner respectfully submits that granting the requested extension will further the interests of justice, will not occasion any undue prejudice upon any other party, and is consistent

with the extension protocol established by this Court's aforementioned order – S.C. Order No. 2014-07-16-01.

WHEREFORE, Petitioner respectfully requests that this Court allow fifteen (15) additional days to file/serve his petition for a writ of certiorari in this case – making the new deadline for such petition February 24, 2021. Petitioner also respectfully requests that this Honorable Court hold the present deadline in abeyance until it acts upon this motion.

Respectfully submitted,



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February 2, 2021  
Charleston, South Carolina